

**Members:**

Sen. David Ford, Chair  
Sen. Connie Lawson  
Sen. David Long  
Sen. Rose Antich  
Sen. Anita Bowser  
Sen. Lonnie Randolph  
Rep. Vernon Smith, V. Chair  
Rep. John Day  
Rep. Mae Dickinson  
Rep. Mary Kay Budak  
Rep. Dennis Kruse  
Rep. Candy Marendt



## **INTERIM STUDY COMMITTEE ON FAMILY LAW ISSUES**

**Legislative Services Agency**

**200 West Washington Street, Suite 301**

**Indianapolis, Indiana 46204-2789**

**Tel: (317) 232-9588 Fax: (317) 232-2554**

**LSA Staff:**

Christi Megna, Attorney for the Committee  
Susan Preble, Fiscal Analyst for the Committee

**Authority:** Legislative Council Resolution 2-1998

### **MEETING MINUTES**

Meeting Date: July 8, 1998  
Meeting Time: 10:00 A.M.  
Meeting Place: State House, 200 W.  
Washington St., Rm. 128  
Meeting City: Indianapolis, Indiana  
Meeting Number: 1

Members Present: Sen. David Ford, Chairperson; Sen. Connie Lawson; Sen. David Long; Sen. Rose Antich; Sen. Anita Bowser; Rep. Mae Dickinson; Rep. Mary Kay Budak; Rep. Candy Marendt.

Members Absent: Sen. Lonnie Randolph; Rep. John Day; Rep. Vernon Smith; Rep. Dennis Kruse.

#### ***I. Call to Order***

Chair Ford called the meeting to order and introduced the Committee members. Chair Ford then discussed the Committee's charge. Chair Ford summarized the Committee's course of study as follows:

- ◆ Various child care issues.
- ◆ Therapeutic and special needs foster care as described in Senate Bill 328-1998.
- ◆ The same child care regulation issues which had previously been the responsibility of the Board for the Coordination of Child Care Regulation (BCCC) are now currently delegated to this Committee.

Representative Budak observed that House Bill 1348-1998, which was listed on the Legislative Council's charge to the committee, was no longer relevant as the provision in that bill which dealt with child care issues had been deleted from the bill.

Representative Budak distributed a handout to the Committee entitled "Therapeutic Foster Care - Draft" to familiarize the Committee with the background of therapeutic foster care.<sup>1</sup> Representative Budak presented a review a the BCCC's work for the committee members, which included the definitions of therapeutic foster care and special needs foster care that were included in Senate Bill 328-1998.

## ***II. Witness Testimony***

A. Ms. Cathy Graham, Deputy Director, Division of Family and Children, made the following remarks:

### *Senate Bill 328-1998*

- # Indiana law currently contains no definition of therapeutic foster care or special needs foster care.
- # There are presently an estimated 500-800 children in special needs foster care and 1,550 children in therapeutic foster care in Indiana.
- # Therapeutic foster care is in many cases an alternative to residential/institutional care.
- # Therapeutic foster care is generally less expensive than residential/institutional care, with an average daily cost of \$30 to \$80 as opposed to \$80 to \$400.

### *Disproportionate Number of African-American Children in Foster Care*

- # Children of African-American descent currently represent 37% of all children in out-of-home care.
- # The Division of Family and Children does not believe that courts order the out-of-home placement of African-American children more than children of other ethnic backgrounds, but that African-American children might be remaining in foster care longer because of difficulties in providing services to their families.
- # The Division of Family and Children recommends that this issue be addressed by studying the following: preventative services regarding child abuse and neglect in African-American communities; services to preserve families in African-American communities; participation of African-American service providers; recruitment of African-American foster parents; and training programs for child welfare staff and practitioners regarding cultural concerns of African-American communities.

### *Kinship Care*

- # The percentage of children currently in out-of-home placements who are residing with relatives is 25%, up from 17%, and is likely to increase due to the passage of the Adoption and Safe Families Act (P.L. 35-1998).
- # The Division of Family and Children recommends a formal study of kinship care in Indiana to address the following issues: the child's safety;

---

<sup>1</sup> This document is on file in the Legislative Information Center, Room 230, Statehouse, Indianapolis, Indiana. The telephone number of the Legislative Information Center is (317) 232-9856, and the mailing address is 200 W. Washington St., Suite 301, Indianapolis, Indiana 46204-2789.

supports needed for kinship care families; options to long-term child welfare system dependence; adoption versus guardianship by relatives; cultural and ethnic issues; and training of kinship care families.

*Reauthorization of the Board for the Coordination of Child Care Regulation*

- # The Board, which has been studying various child care issues since 1984, has developed significant expertise in the area of child care.
- # The Board needs to complete its work of updating the foster home rules, which have not been updated since the 1940s, updating child care center rules, and studying foster home rules as they apply to kinship care.

Ms. Graham presented the following handouts which describe her testimony more fully and also provide additional information: "Presentation to Interim Study Committee on Family Law Issues, July 8, 1998"<sup>2</sup> and "Presentation to Interim Study Committee, July 8, 1998, Issues for Discussion".

**Committee Questions**

*Senate Bill 328-1998*

Senator Bowser asked whether proper screening and training is being conducted with those persons who are currently serving as therapeutic and special needs foster parents. Ms. Graham responded that those persons must successfully complete the general licensing process conducted through the local office of Family and Children or a licensed child placement agency. In addition, Ms. Graham stated that those persons desiring to provide therapeutic or special needs foster care are currently receiving additional training through the local Family and Children office or a mental health association, but that this specialized training is not required by law and there are no state-wide standards for such training. Senator Antich questioned whether the current foster care training includes training for special needs and, if not, whether it should. Ms. Graham replied that all foster parents must complete 20 hours of training before a child is placed in their home, unless an emergency exists, but that this training is of a more general nature. Ms. Graham stated that specialized training generally takes place after a child with special needs is placed in a foster home, with the training being focused to that child's particular needs. Ms. Graham asserted that the Division of Family and Children supports the specialized training requirements contained in Senate Bill 328-1998, but cautioned against requiring specific types of training as that might omit some of the situations which occur. Senator Bowser inquired where a foster parent would receive special training and how much it would cost. Ms. Graham said that many hospitals provide such training at no cost and that most costs that are incurred for special training are paid for by federal foster care funds. Senator Bowser raised a question regarding the total number of children allowed in a foster home under the provisions of Senate Bill 328-1998. Ms. Graham explained that in every placement situation, the number of children in the household is a factor, but the placement decision must meet the child's needs and be approved by the court supervising the case. Senator Bowser asked whether those persons who are monitoring the progress

---

<sup>2</sup>This document is on file in the Legislative Information Center (see footnote 1).

<sup>3</sup>This document is on file in the Legislative Information Center (see footnote 1).

of children in special needs or therapeutic foster care are trained to recognize whether the needs of these children are being met. Ms. Graham remarked that those persons, as a condition of their employment, must undergo training to be able to recognize problems which might occur with such children. Senator Lawson asked how many of the children in therapeutic foster care are currently eligible for adoption placement. Ms. Graham replied that of the approximately 1,550 children currently in therapeutic foster care, only 300 to 400 are eligible for adoption. Representative Dickinson, relating a story about a child care facility where the children were reportedly given Nyquil to keep them calm, expressed concern over the licensing and monitoring of child care facilities and asked if the number of investigators has been reduced. Ms. Graham responded by stating that the number of Division of Family and Children employees conducting the licensing investigations has decreased, but that these positions are currently being contracted out and their duties performed by other organizations. Ms. Graham also assured Representative Dickinson that if the particular situation she described was reported to the local Division of Family and Children or to Keith Carver at the state level, it would be investigated. Representative Marendt informed the board that the state no longer conducts periodic surprise investigations of child care facilities, but only visits the facilities once each year, in a scheduled visit, for relicensing purposes.

#### *Disproportionate Number of African-American Children in Foster Care*

Representative Dickinson expressed concern about the placement of children in homes of different cultures without educating the foster families about the child's culture or in lieu of placing the child with a relative who might not be able to qualify as a foster parent due to a technicality, such as not having enough bedrooms in their home. Representative Dickinson also asserted that there needs to be some type of education or promotion done in the African-American community regarding the need for foster parents and the licensing process. Representative Budak reminded the committee that the BCCC had already instructed the Division of Family and Children to implement such a program. Ms. Graham responded that the Division has made efforts in this area, but they have not yet become as wide-spread as the Division had hoped. Chair Ford stated that there may be many factors other than the practices of the Division, such as poverty, that contribute to the disproportionate numbers of African-American children in foster care.

#### *Kinship Care*

Representative Dickinson inquired whether the same training that foster parents receive is required of those who care for children under the kinship care program. Ms. Graham stated that the training for those persons is optional, although a home study is still required. Ms. Graham further explained that if persons providing kinship care elect to complete the training program, they are then eligible to be licensed and to receive the foster care per diem. Chair Ford asked why the Division believed that it was necessary to have specific law passed in this area since all cases are under a court's supervision. Ms. Graham responded that laws in this area would assist the Division in making its recommendations to the court about disposition, particularly in regards to releasing a CHINS case in kinship care situations once a guardianship has been established.

#### *Reauthorization of the Board for the Coordination of Child Care Regulation*

The committee discussed the fact that while the Board would likely duplicate some of

the committee's work, the Legislative Council has only authorized the committee for the summer, while the Board could exist for a longer period of time. With the consent of the committee, Chair Ford stated that the committee would include a recommendation to reauthorize the Board in its final report to the General Assembly.

B. Ms. Clara Anderson, Children's Bureau of Indianapolis, offered the following testimony:

- # The Children's Bureau supports the regulation of therapeutic and special needs foster care because it would establish a legal standard for such types of foster care and it would exhibit the state's support for foster parents providing such care.
- # The Children's Bureau provides some training to foster parents in therapeutic areas and provides respite care to give a break to those foster families.

### ***Committee Questions***

Senator Lawson asked how long respite care is typically provided to a foster family. Ms. Anderson replied that the average stay is 2 to 3 days. Representative Budak asked for a description of the training provided by the Children's Bureau. Ms. Anderson and members of her staff stated that the Children's Bureau provides training to foster parents mainly in the areas of behavioral and emotional problems and generally refers the foster parents to specialists for training regarding a child's medical needs.

C. Ms. Paje Felts, Indiana State Bar Association, testified that the Family Law section of the Indiana State Bar Association requests that the committee study the issue of encouraging and/or requiring premarital counseling for couples applying for a marriage license.

### ***Committee Discussion***

Chair Ford commented on the fact that marriage has long been considered a contract between the parties, but that in many ways, particularly regarding enforcement and dissolution of contracts, it has been treated differently by the law than contracts have. Chair Ford declared that premarital counseling is an issue which should be studied. Representative Marendt reminded the committee that Indiana does not currently have a waiting period for couples applying for a marriage license to get married and that the only medical test that is required is a rubella test for women of child-bearing age. Senator Long noted that he thought the idea of premarital counseling to point out potential trouble spots in married life is worth exploring, but he does not support any sort of pre-marriage testing designed to discourage people from getting married. Senator Antich expressed an interest in knowing what other states have done in this area and what effect any such programs have had on the divorce rate. The committee agreed that this topic should be on the agenda for the next meeting.

The meeting was adjourned at noon. The next committee meeting will be held on Wednesday, August 12, 1998, at 10:30 a.m. in Room 128 of the State House.